

CONTRACTORS—SUB-CONTRACTORS AND HIRING OF WORKMEN.

BROMPTON COUNTY COURT.

COLLINS AND BAKER v. FOX AND HENDERSON.

These are two, out of, it was stated, nearly 200 actions pending between the workmen employed in the Glass Palace and the contractors. The cause has been adjourned three times. The first time it was heard, Mr. Cochrane, for Messrs. Fox and Henderson, denied their liability, saying that a person of the name of Robson had sub-contracted to do the painting, and had hired the plaintiffs as well as the rest of the painters. The plaintiffs said they were certainly hired by Robson, but they had every reason to believe they were hired by him for Fox and Henderson; that he never told them they were in his employ, nor had any of the painters reason for supposing he was anything else but their foreman: in fact, they were not paid by him, but by Messrs. Fox and Henderson.

His Honour (Mr. Amos) said, he had frequently adjudicated upon disputes of this nature, and he invariably found these sub-contractors a positive evil. How came it, if these men were not in Fox and Henderson's employ, they paid their wages?

Mr. Cochrane said, it was customary for contractors to do so, and settle with the sub-contractors afterwards.

His Honour.—Yes, contractors, I know, have good ground for not intrusting workmen's wages in the hands of these persons. It is very hard upon these poor men, and to get at the liability I will adjourn the case until next sitting, when you can subpoena Robson. Upon the next Court day Robson swore, that he alone was liable, and that he sub-contracted to do the paint-work by the ton (sic).

Mr. Cochrane said, he had a good defence upon the merits.

His Honour.—I really cannot think Mr. Fox knows of this dispute. Would it not be better to refer it to him?

Mr. Cochrane said, that it would be a bad precedent.

His Honour.—Well, to try the merits of the case, one of you had better summon Robson, and I will again adjourn the cause. Collins then took out a summons against Robson, which was heard on Thursday, when by some mistake on the part of Collins, he failed to appear until Friday, the day on which the plaintiff against Fox and Henderson was adjourned to. Robson was, however, present, and reiterated his statement as to liability. The learned judge appeared anxious to assist the men, and again pressed a far from complimentary opinion upon the defence and the character of sub-contractors in general.

Collins complained of the hardship of the defence, and, addressing Robson, said, "If you are a contractor, why did you not put four coats of paint on the building, according to contract, instead of two?" Mr. Robson did not seem to understand this query, and his Honour stopped a very awkward *exposé*, by telling the plaintiffs they now knew whom to sue, and they had better do so. The plaintiffs then took out two summonses against Mr. Robson.

TAYLOR v. WRIGHT.

The right of builders' foremen to charge workmen with felony when found in possession of their employers' property.

This was an action to recover damages for false imprisonment, under circumstances which created much interest to a crowded court of builders and operatives, and, as will be seen, is of much importance to contractors and builders in general. The plaintiff is a carpenter, residing at Knightsbridge, having a small workshop of his own, and the defendant is foreman to Messrs. Fox and Henderson. From the evidence, which was too voluminous to publish in *extenso*, it appeared that on the 13th May, the plaintiff was in the Glass Palace, when a French exhibitor instructed him to make four pedestals for a stand in the building, at the same time giving him eight deal planks and some battens to construct them. This wood was removed from the building to the plaintiff's workshop. One of the men employed on the works informed Mr. Wright of the transaction, upon which he went to Taylor's house and asked what property he had got in his place belonging to Messrs. Fox and Henderson. The plaintiff then said he had not got the key and could not then let him see it. After some words the defendant gave the plaintiff in charge of a police constable for having property in his possession belonging to Messrs. Fox and Henderson. The constable, who knew the plaintiff to be a respectable man, was at first loth to take him into custody on such an indefinite charge, but, upon being pressed, took him to the Walton-street Station-house, at which place the inspector on duty refused to take the charge. The plaintiff was then taken to the Vine-street Station-house, in Piccadilly, where the inspector refused to take the charge as it then

stood; upon which, Mr. Wright charged the plaintiff with felony. Upon the matter being investigated before the magistrates, at Marlborough-street, the plaintiff could not tell the names of the foreigners who gave him the timber, as the order was given through an interpreter, and he merely booked the dimensions of the pedestals. Upon this, Mr. Taylor was remanded for some days to afford time for inquiries. Upon the re-examination, the plaintiff was discharged without any imputation upon his character. Mr. Herring, solicitor, said he had the honour of appearing for Messrs. Fox and Henderson, who had every reason for supporting their foreman, for what he had done in the matter. There could be no doubt he was perfectly justified by law, and he was instructed that there were good grounds for assuming that the timber abovementioned was not all the property taken away belonging to Messrs. Fox and Henderson. Mr. Herring then called upon Mr. Wright, who corroborated the above, and added that he had a witness who could prove that there was other property besides the deals taken away, and that the wood received was considerably more than was required to make the pedestals,—that the foreigners had no right to give away the wood,—and that the plaintiff must have known it.

The Judge said he had carefully sifted the evidence, and could come to no other conclusion than that the defendant, in finding property of his employers in another person's possession, had but acted up to his duty. When he looked back to the sanguinary laws, when men were hung for petty larceny, he could not but be of opinion that the law allowed a reasonable presumption for arresting the defendant. Without imputing the slightest moral guilt upon the plaintiff, he must give a verdict for the defendant with costs.

Mr. Herring said his clients instructed him to forego costs.

INSTRUCTIVE PAPERHANGINGS.

TEMPERANCE.

THOUGH many improvements have, within these few years, been made in the designs, or subjects, of wall-papers, yet much remains to be done. Instead of the unmeaning combinations of strange forms and of groups and wreaths of flowers, which the goddess Flora must laugh at, why should not paper stainers choose for "patterns" historical episodes, or colonial scenery subjects? There are many passages in the life of our Great Alfred which might be made the subject of mural cartoons for the "million." There are, too, many views of places in our colonies which might be represented on the paper used for covering the walls of the houses of the humbler classes of society. "Walls have ears," says the proverb; they might, by the employment of such subjects, and with the aid of artists, be said to have tongues; and their murmurings (to coin a word) would be a thing to be admired in England. Similar subjects might be used for "transparent blinds," to a much greater extent than at present, for public institutions, hotels, and for those clubs for sober men, coffee-palaces.

May I profit by this occasion of writing to you to say something in connection with temperance, and a vast number of your readers? Notwithstanding the increase of temperance societies, and the improved habits (in regard to drinking) of the working classes of Great Britain, still fourteen millions of pounds are annually spent in gin alone! Now this is the precise sum which Mr. Asa Whitney requires for the construction of his Atlantic and Pacific Ocean Junction Railway. If the working men of England would abstain from gin drinking for seven years, they might become the proprietors of that or a similar railroad. Yes, sir, half a million of men connected with building and its subsidiary trades, by saving a penny a day for seven years, could form more than half this great work, and each contributor might have, at the end of that time, 50 acres of land. A penny-raised capital, great enough to complete so gigantic an undertaking, might at first seem a dream of the imagination of a Bedlamite; but so would have been deemed, at one time, our penny post, our parliamentary railway trains, penny steamboats, penny savings' banks, penny cyclopædias, and other penny matters. We live in a penny era; and rely on it, sir, that it is possible to carry out this penny suggestion.

OPIFEX.

The desirableness of making paperhangings instructive has often been urged in our pages.—Ed.

Books.

The Annual of Scientific Discovery, or Year-book of Facts in Science and Art. Edited by DAVID A. WELLS, A.M., and GEORGE BLISS, Jun. Gould and Lincoln, Boston; Chapman, Strand; and Delf, Paternoster-row.

We noticed favourably a previous volume of this miscellany, made after the model of the London "Year-book of Facts," and may speak equally well of this, simply remarking that the editors might without difficulty get a larger choice of English materials.

In a notice of Paine's reported inventions and discoveries, the peculiar construction of his electrodes is explained as follows:—

"The construction of these electrodes is peculiar. They are made of platinum, and differ from such as are commonly used in this respect. They present to each other a very large amount of surface and angles in close proximity. This is effected by having one electrode constructed like a honeycomb, and the other with short wires or pins which dip into the cells of the honeycomb."

Immediately following the article on this invention is the record of a recent paper by Mr. Daniel Paret, extracted from the proceedings of the Royal Society, from which it appears that our hint to electricians on this side of the Atlantic has not been altogether fruitless. From these proceedings it appears that the author of the paper in question "states that he now brings forward an experiment which proves, not that water is a compound, but really a simple element, the generator of oxygen and hydrogen, since, without being decomposed, a given volume of water may be entirely transformed at will either into oxygen or hydrogen. Thus he considers it is no longer a decomposition of pre-existing elements which is effected, but really a gaseous transformation into two 'sub-elements,' which are formed at the expense of the water by the transposition of its combined or coercitive electricity, which places itself in excess in the water that becomes oxygen, at the expense of another volume of water, which becomes hydrogen. [This is, at the least, perfectly consistent still with our own explicit prediction, that the positive would produce oxygen and the negative hydrogen, as well as with Paine's alleged discovery.] However astonishing this may appear, it is *'un fait accompli et acquis à la science.'*" One of the author's conclusions is, that electricity "is really the coercitive agent of cohesion"—another result in perfect accordance with our expressed idea of the concentrative nature of electricity.

Miscellaneous.

METROPOLITAN COMMISSION OF SEWERS.—The meetings of this commission appear to be few now and far between. On Friday last Captain Dawson stated at a Court of Justice, that the engraving of the surface works on the Ordnance Survey maps of the metropolis had been completed, and that impressions from the plates might be obtained from any of the Ordnance agents at 2s. a sheet. It is proposed, he added, that the sewers and other subterranean works be engraved on duplicate electrotype plates, as the original would be shortly destroyed, from the frequent alterations, were they used for the purpose.

CREMORNE GARDENS.—A lesson as to the management of light was afforded at the large circus, which has been erected in these gardens for Franconi's troupe of equestrians. In the first instance only one small round hole in the crown of the dome was left for light for the day exhibition; since then other openings in the side have been made for ventilation, but the amount of light to which the one hole gave admission should teach those who do not yet know it, that whether a building is light or dark depends on the way in which the light is brought in. The gardens at Cremorne are now amongst the prettiest of their kind, and the entertainment provided here is of excellent quality.